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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,999	06/30/2001	Robert R. Sullivan JR.	42390P10289	9338

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07/09/2004

Thomas C. Webster
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/09/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/895,999

Applicant(s)

SULLIVAN ET AL.

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on filed on 06/30/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-10 and 45-52 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1-52** are presented for examination.

Information Disclosure Statement

2. The Information Disclosure Statement filed on June 05, 2003 (paper no. 2) has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12, 14, 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claim 12, page 35 line 1, recites "a first one" and claim 14, page 36 line 1, recites "a third one" are unclear and inconsistent. Since in claim 13, page 36 line 1 recites "a second zone", so which one is correct?

Claim 22, page 37 lines 9 and 10, recites limitations "said data center" lacks of antecedent basis. Appropriate correction is required.

Election/Restrictions

7. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, drawn to a system for configuring and integrating network services, classified in **class 709, subclass 220**.
- II. Claims 11-44, drawn to a system and method for integrating network services in a interconnecting and interfacing plurality of computer networks, classified in **class 709, subclass 250**.
- III. Claims 45-52, drawn to a system for managing and monitoring configuring and integrating network services, classified in **class 709, subclass 223**.

8. Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as configuring and integrating network services, classified in a *different Class/ Subclass*. Invention II has separate utility such as a method and system for integrating network services in an

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interconnecting and interfacing plurality of computer networks, classified in a *different Class/Subclass*. And invention III has a separate utility such as a system for managing and monitoring configuring and integrating network services. See MPEP § 806.05(d).

9. The inventions are distinct, each from the other because of the following reasons:

(a) These invention have acquired a separate status in the art as shown by their different classifications.

(b) The search required for each Group is different and not co-extensive for examination purposes.

For example, the searches for the three inventions would not be co-extensive because these Groups would require different searches on PTO's classification class and subclass as following:

The Group I search (claims 1-10) would require use of search **Class 709, subclass 220** (not require for invention II and III).

The Group II search (claims 11-44) would require use of search **Class 709, subclass 250** (not require for the invention I and III).

The Group III search (claims 45-52) would require use of search **Class 709, subclass 223** (not require for the invention I and II).

For the reasons given above restriction for examination purposes as indicated is proper.

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10. During a telephone conversation with Applicants' Representative, Mr. Thomas C. Webster (Reg. No. 46,154), on June 22, 2004, a provisional election was made without traverse to prosecute the invention of Group II, claims 11-44. Affirmation of this election must be made by applicant in replying to this Office action. **Claims 1-10 and 45-52 are withdrawn from further consideration as being directed to a non-elected invention.** See 37 CFR 1.142(b), as being drawn to a non-elected invention and MPEP § 821.03.

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has

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fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1(c) of this title before the invention thereof by the applicant for patent.

13. Claims 11-21, and 29-44 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Ramanathan et al.**, (hereinafter Ramanathan) U.S. Patent No. **6,286,047**.

14. As to claim 11, **Ramanathan** teaches the invention as claimed, including a method comprising:

logically grouping a plurality of components at a data center into a single meta-server (figure 1, col. 3, lines 56-60, col. 6, lines 60-65);

defining one or more hierarchical relationships between each of said components including one or more associations, dependencies and/or prerequisites, said hierarchical relationships providing information related to network operations at said data center (figures 2-4, 8-9, col. 6, lines 22-col. 7, lines 63, col. 9, lines 3-col. 10, lines 10, col. 13, lines 31-col. 14, lines 12, col. 25, lines 26-60); and

using said information for one or more network management functions at said data center (figures 8-9, col. 25, lines 26-col. 26, lines 39).

15. As to claim 12, **Ramanathan** teaches the invention as claimed, wherein a first one of said defined hierarchical relationships comprise: a first

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zone or resource collection comprised of a first subset of said plurality of components (figure 5, item 70, col. 22, lines 25-36).

16. As to claim 13, **Ramanathan** teaches the invention as claimed, wherein a second zone or resource collection of said defined hierarchical relationships comprise: a second zone comprised of a second subset of said plurality of components (figure 5, items 72, 76, col. 22, lines 37-46).

17. As to claim 14, **Ramanathan** teaches the invention as claimed, wherein a third one of said defined hierarchical relationships comprise: an interconnect logically connecting said first zone and said second zone (figure 5).

18. As to claim 15, **Ramanathan** teaches the invention as claimed, wherein one of said components grouped within said first zone is a Web server (figure 1, item 12, figure 5, item 70, col. 6, lines 60-67).

19. As to claim 16, **Ramanathan** teaches the invention as claimed, wherein one of said components grouped in both said first zone and said second zone is a firewall (figure 5, item 72, col. 22, lines 37-46). A firewall is inherent in the mail server/web server system in order to authorize access to the appropriate mailbox/web services (i.e. back-end NFS, DNS) thereby allowing the E-mail/web services to be accessed by the subscriber (col. 22, lines 37-46).

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20. As to claim 17, **Ramanathan** teaches the invention as claimed, wherein one of said components is a router (col. 1, lines 42-46).

21. As to claim 18, **Ramanathan** teaches the invention as claimed, wherein one of said network management functions is to initialize one or more of said system components at said data center and said defined hierarchical relationships between each of said system components is used to determine an appropriate order in which to initialize said one or more components (figures 2-4, 8-9, col. 6, lines 22-col. 7, lines 63, col. 9, lines 3-col. 10, lines 10, col. 13, lines 31-col. 14, lines 12, col. 25, lines 26-col. 26, lines 39).

22. As to claim 19, **Ramanathan** teaches the invention as claimed, wherein initializing comprises rebooting one or more of said system components (col. 16, lines 42-60).

23. As to claim 20, **Ramanathan** teaches the invention as claimed, wherein initializing comprises restarting one or more of said system components (col. 16, lines 42-60).

24. As to claim 21, **Ramanathan** teaches the invention as claimed, wherein initializing comprises reconfiguring one or more of said system components (col. 8, lines 52-col. 9, lines 11).

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25. As to claim 29, **Ramanathan** teaches the invention as claimed, including an article of manufacture including program code which, when executed by a machine, cause said machine to perform the operations of:

logically grouping a plurality of components at a data center into a single meta-server (figure 1, col. 3, lines 56-60, col. 6, lines 60-65);

defining one or more hierarchical relationships between each of said components, said hierarchical relationships providing information related to network operations at said data center (figures 2-4, 8-9, col. 6, lines 22-col. 7, lines 63, col. 9, lines 3-col. 10, lines 10, col. 13, lines 31-col. 14, lines 12, col. 25, lines 26-60); and

using said information for one or more network management functions at said data center (figures 8-9, col. 25, lines 26-col. 26, lines 39).

26. As to claim 40, **Ramanathan** teaches the invention as claimed, including a method comprising:

defining one or more logical hierarchical relationships between a plurality components on a network including one or more associations, dependencies and/or prerequisites, said logical hierarchical relationships providing information related to network operations (figures 2-4, 8-9, col. 6, lines 22-col. 7, lines 63, col. 9, lines 3-col. 10, lines 10, col. 13, lines 31-col. 14, lines 12, col. 25, lines 26-60); and

executing a simulation of said network operations based on said hierarchical relationships between said components (figures 8-9, col. 25, lines 26-col. 26, lines 39).

27. As to claim 41, **Ramanathan** teaches the invention as claimed, further comprising: storing different groups of said logical hierarchical relationships into one or more tool sets, said tool sets usable for conducting said simulation (figure 4, col. 10, lines 13-64).

28. As to claim 42, **Ramanathan** teaches the invention as claimed, further comprising: using results of said simulation to design additional logical hierarchical relationships between said components (col. 8, lines 52-col. 9, lines 11).

29. As to claim 43, **Ramanathan** teaches the invention as claimed, wherein designing additional logical hierarchical relationships comprises optimizing said logical hierarchical relationships between said components (col. 1, lines 41-65).

30. As to claim 44, **Ramanathan** teaches the invention as claimed, wherein said additional logical hierarchical relationships are designed responsive to an inclusion of new components on said network (col. 8, lines 52-col.9, lines 11).

31. Claims 30-39 have similar limitations to claims 12-21; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. Claims 22-28 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Ramanathan** U.S. Patent No. **6,286,047**, in view of **Munguia et al** (hereinafter Munguia) U.S. Patent Application Publication No. **US 2001/0052013**.

34. As to claim 22, **Ramanathan** teaches the invention as claimed, including a meta-server comprising:

a plurality of front end Web servers to process client requests for Web pages (figure 5, item 70, col. 2, lines 50-col. 3, lines 8, col. 22, line 25-46);

a controller (figure 8, items 108, 110)) to define one or more logical hierarchical relationships between each of said components including one or

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more associations, dependencies and/or prerequisites, said hierarchical relationships providing information related to network operations at said data center and to use said information for one or more network management functions at said data center (figures 2-4, 8-9, col. 6, lines 22-col. 7, lines 63, col. 9, lines 3-col. 10, lines 10, col. 13, lines 31-col. 14, lines 12, col. 25, lines 26-60). However, **Ramanathan** does not explicitly teach a plurality of back-end servers to perform various back-end processing functions associated with said client requests. **Munguia** teaches a plurality of back-end servers to perform various back-end processing functions associated with said client requests figures 2, 5, paragraphs 0081-0082). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of **Ramanathan** to include a plurality of back-end servers because it would provide an efficient and security system that allow a client can communicate with specific back-end server.

35. As to claim 23, **Ramanathan** teaches the invention as claimed, further comprising: said controller further defining one or more additional logical hierarchical relationships between said firewall and said front-end and/or said back-end servers (col. 8, lines 52-col. 9, lines 11). However, **Ramanathan** does not explicitly teach a firewall communicatively coupled between said front-end Web servers and said back-end servers to analyze and filter data traffic directed towards said back end servers. **Munguia** teaches a firewall communicatively coupled between said front-end Web servers and said back-end servers to

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analyze and filter data traffic directed towards said back end servers (figures 1, 2, 5, items 24, 25, 30, paragraph 0082). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a firewall coupled between front-end servers and back-end servers because it would provide an efficient system that keep security and track data traffic between front-end and back-end servers.

36. As to claim 24, **Ramanathan** teaches the invention as claimed, further comprising: said controller further defining one or more additional logical hierarchical relationships between said router, said front-end servers, said back-end servers and/or said firewall (col. 8, lines 52-col. 9, lines 11). However, **Ramanathan** does not explicitly teach a router communicatively coupled between said front-end Web servers, said back-end servers and an external network, said router to process data traffic according to a network addressing protocol. **Munguia** teaches a router communicatively coupled between said front-end Web servers, said back-end servers and an external network, said router to process data traffic according to a network addressing protocol (figure 5, items 49, 55, paragraphs 0008, 0063, 0067). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a router coupled between front-end servers and back-end servers because it would provide an efficient system that routing data packet between front-end and back-end servers.

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37. As to claim 25, **Munguia** teaches the invention as claimed, wherein said front-end servers and said back-end servers are physically configured within a single unitized platform (figure 1).

38. As to claim 26, **Munguia** teaches the invention as claimed, wherein said front-end servers and said back-end servers communicate over a dynamically configurable backplane bus (figure 1).

39. As to claim 27, **Munguia** teaches the invention as claimed, wherein said defined hierarchical relationships comprise a first zone including said front-end Web servers, a second zone including said back-end servers, and an interconnect logically coupling said first zone with said second zone (figures 2, 5).

40. As to claim 28, **Munguia** teaches the invention as claimed, wherein said defined hierarchical relationships comprise a first zone including said front-end Web servers, a second zone including said back-end servers, an interconnect logically coupling said first zone with said second zone, and an interconnect resource comprised of said firewall (figures 1, 2, 5, items 24, 25, 30, paragraph 0082). It would have been obvious to one skill in the art to have the same motivation as set forth in claim 23, *supra*.

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Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892 attached). Applicants are requested to consider these prior art references when responding to this office action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703) 305-7447. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

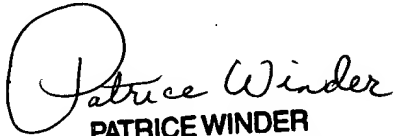
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

June 25, 2004


PATRICE WINDER
PRIMARY EXAMINER